

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROGER CHARLES DAY, JR.,

Plaintiff,

v.

RICHARD A. MILLER, et al.,

Defendants.

Case No. 2:20-cv-2978

Judge Edmund A. Sargus

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court on Plaintiff's Motion for Second Extension of Time (Doc. 6). The Court previously granted Plaintiff a 60-day extension of his deadline to file an objection to the Undersigned's Report and Recommendation. (*See* Doc. 5). In that Order, the Court stated that "[n]o further extensions of this deadline will be granted." (*Id.*).

Plaintiff, nonetheless, requests a second extension for an "indefinite" period of time due to the COVID-19 pandemic. (*See* Doc. 6). He asserts that, since August 21, 2020, there has been an outbreak of COVID-19 at the Terre Haute Federal Correctional Institution where he is imprisoned. (*Id.* at 1). According to him, that has resulted in a lockdown, which has prevented him from being able to access the necessary legal materials to prepare his objection. (*Id.*).

The Court granted Plaintiff's First Motion for Extension on July 24, 2020. (*See* Doc. 5). The COVID-19 outbreak at Terra Haute Federal Correctional Institution allegedly began on August 21, 2020. (*See* Doc. 6 at 1). But Plaintiff does not explain what efforts he made to draft his objections in between July 24, 2020 and August 21, 2020.

Further, Plaintiff appears to misunderstand the purpose of an objection to a report and recommendation recommending that a complaint be dismissed. Its purpose is not to present new

arguments to the Court based on additional legal research. Rather, a plaintiff is obligated to explain why the complaint he or she has submitted to the Court states a claim upon which relief may be granted. Plaintiff does not need an indefinite extension of time to accomplish this task.

The Motion is **GRANTED in part and DENIED in part**. Plaintiff shall file any objection to the Undersigned's Report and recommendation on or before October 16, 2020. **The Court will not grant any further extensions of this deadline.**

IT IS SO ORDERED.

Date: September 15, 2020

/s/Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE